

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: EILAT3

In re Application of:)	Conf. No.:
Eran EILAT)	
)	Art Unit:
I.A. Appln. No.:)	Examiner:
PCT/IL2004/001122)	
)	
Filing Date: December 12, 2004)	Washington, D.C.
)	
For: COMPOSITIONS FOR)	June 12, 2006
TREATMENT OF EAR DISORDERS...)	

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

[X] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[] B. before the mailing date of a first office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 CFR §1.114; or

☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicant has made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below):

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein either was

☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, not known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this IDS.

☐ ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in 37 CFR §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035 of the undersigned.

☒ 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form BN/SB/08A/B) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. Other than U.S. patent(s) and/or published U.S. application(s), which 37 CFR §1.98(a)(2)(ii) does not require to be filed unless specifically required by the Office, a copy of each document listed is attached, except as explained below:

☐ A. Document(s) _____ is/are deemed substantially cumulative to document(s) _____, and,

AP20 Rec'd PCT/IL 12 JUN 2006

in accordance with 37 CFR \$1.98(c), a copy of each of the former document(s) is not enclosed.

[] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

(insert serial numbers and filing dates of prior applications)

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449, PTO/SB/08a and/or PTO/SB/08b (or their BN form equivalents) from the files of the prior application(s) or a fresh BN/SB/08A and/or BN/SB/08B listing these documents, and request that they be considered and made of record in accordance with 37 CFR \$1.98(d). Per 37 CFR \$1.98(d), copies of these documents need not be filed in this application.

[] 3. Document(s) _____ is/are not in the English language. In accordance with 37 CFR \$1.98(a)(3), Applicant states:

[] An English translation of each document _____ (or of the pertinent portions thereof), or a copy of an English-language abstract (or claim) is enclosed.

[] For documents _____, a corresponding English-language patent or published application is included on the accompanying Form BN/SB/08A, with a line drawn in the margin connecting the non-English-language document with its corresponding English-language document.

[] A concise explanation of the relevance of document(s) _____ is found in the attached _____ search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[] A concise explanation of the relevance of document(s) _____ is set forth as follows:

10/582712

AP20 Rec'd PCT/PTO 12 JUN 2006

[] A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

[] A concise explanation of the relevance of document(s) _____ can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[X] 5. Other information being provided for the examiner's consideration follows:


International Search Report

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK
Attorneys for Applicant(s)

By:


Roger L. Browdy
Registration No. 25,618

624 Ninth Street, N.W., Suite 300
Washington, D.C. 20001-5303
Telephone: (202) 628-5197
Facsimile: (202) 737-3528

RLB:edg:lmh

G:\BN\W\Webb\Eilat3\pto\ids.fee.doc

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1

of 2

Application Number

Complete if Known

Not yet assigned

Filing Date

Even date herewith

First Named Inventor

Eran EILAT

Group Art Unit

Examiner Name

Attorney Docket Number

EILAT3

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
/MHI	AA	US-	4,241,048	12-23-1980	Durbank	
	AB	US-	4,305,936	12-15-1981	Klein	
	AC	US-	4,915,934	04-10-1990	Tomlinson	
	AD	US-	5,322,683	06-21-1994	Mackles	
	AE	US-	5,369,131	11-29-1994	Poli et al.	
	AF	US-	5,393,528	02-28-1995	Staab	
	AG	US-	5,397,564	03-14-1995	Seki et al.	
	AH	US-	5,401,741	03-28-1995	Sato et al.	
	AI	US-	5,502,076	03-26-1996	Dixit et al.	
	AJ	US-	5,529,782	06-25-1996	Staab	
	AK	US-	5,635,469	06-03-1997	Fowler et al.	
	AL	US-	5,679,665	10-21-1997	Bergamini et al.	
	AM	US-	5,697,532	12-16-1997	Wider et al.	
	AN	US-	5,744,166	04-28-1998	Illum	
	AO	US-	5,759,520	06-02-1998	Sachetto	
	AP	US-	5,843,930	12-01-1998	Punwar et al.	
	AQ	US-	5,965,549	10-12-1999	Punwar et al.	
	AR	US	6,030,931	02-29-2000	Vinski et al.	
	AS	US	6,032,836	03-07-2000	Hiscocks et al.	
	AT	US	6,126,920	10-03-2000	Jones et al.	
	AU	US	6,238,650	06-29-2001	Lapidot et al.	
	AV	US	6,258,374	07-10-2001	Friess et al.	
	AW	US	6,521,213	02-18-2003	Mautone	
	AX	US	6,612,468	09-02-2003	Pritchett et al.	
	AY	US	6,860,282	12-09-2003	Crotty et al.	
	AZ	US	6,702,155	03-09-2004	Rebne	
	BA	US	6,730,288	05-04-2004	Abram	
	BB	US	6,784,470	07-20-2004	Dimick	
	BC	US	6,534,087	03-18-2003	Busson et al.	
	BD	US	2002/0064541	05-30-2002	Lapidot et al.	
	BE	US	2004/0057922	03-25-2004	Schmid et al.	
/MHI	BF	US	2003/0178022	09-25-2003	Davies et al.	

Examiner
Signature

/Mina Haghighatian/

Date

Considered

05/18/2010

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/482212
				Filing Date	10/482212
				First Named Inventor	Eran EILAT
				Group Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	EILAT3

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Number Country Code* Number* Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ¹
/MH/	BG	WO 2004/037225 A2	05-06-2004	FOAMIX LTD.		
/MH/	BH	GB 0933486	08-08-1963	Kirk		

NON PATENT LITERATURE DOCUMENTS /OTHER INFORMATION						
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published				T ²
/MH/	BI	Hannley, M.T. et al., "Use of otological antibiotics in treating 3 common ear diseases", Otolaryngol Head Neck Surg, (2000), Vol. 116, pp. 924-940.				

Examiner Signature	/Mina Haghighatian/	Date Considered	05/18/2010
--------------------	---------------------	-----------------	------------

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609 Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.